

Memorandum

October 1, 1991

To: District Administrators

Via: *M. L. Gutierrez-Mock*
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PTB 91-42

Subject: Amendments to Draft Intermediate Care Facility/Developmentally
Disabled-Nursing (ICF/DD-N) Regulations

<input type="checkbox"/> Statute Change	<input type="checkbox"/> Federal Change
Bill/Chapter _____	State Agency Letter # _____
Code _____	State Operations Manual # _____
Effective Date _____	Regulation # _____
	Program Memo. Transmittal # _____

☐ State Regulation Change ☐ Court Decision ☒ NO Initiated ☐ Field Requested

BACKGROUND

The current Title 22 requirement for staffing in the Intermediate Care Facility/Developmentally Disabled-Nursing (ICF/DD-N) (draft) regulations requires that nonlicensed direct care staff shall be certified nurse assistants (CNAs) or persons enrolled in a precertification program within three months of employment. Because of the statutes limiting the types of nursing procedures that CNAs may perform, staff from Department of Developmental Services (DDS) and Licensing and Certification (L&C) determined that a different type of training for unlicensed staff would be more effective and more useful for the types of clients being served. Thus, a "DD attendant training program" was developed. The legal basis for an "attendant" is an exemption in the Nurse Practice Act for attendants who work in facilities visited by Department of Health Services staff and which are monitored by DDS staff (Section 2728, Business & Professions Code).

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The regulation describing the training program has been incorporated into the subsequent drafts of the ICF/DD-N regulations and specifies that the training program, whether conducted by the licensee, an agency, or public instruction, must be approved by DDS.

Additionally, in support of the above amendment, Section 73874 has been amended, and a new Section, 73874.1 added. Please note that these two sections describe the "Attendant Training Program" requirements. In particular, these regulations authorize attendant staff to perform certain procedures for individual clients after having been specifically trained and certified to do so by a registered nurse and after demonstrating proficiency. Evidence of the attendant's competency is required to be in writing. The regulation's training requirements prohibit attendants from doing the following: inserting or removing nasogastric and gastrostomy tubes, tracheostomy appliances, indwelling catheters and any intravenous apparatus. Nasogastric and gastrostomy tube feedings may be performed by attendants if the requirements of these regulations are met.

Other regulatory changes will follow but will not be issued until the entire regulatory package is complete.

DDS informed all DD-N providers of the new requirements through its annual program review and approval process. DDS currently enforces these requirements. This memorandum serves to notify Licensing of the new requirements which are to be implemented upon receipt. To provide further clarification, existing and amended Sections 73873(f) and 73874 and draft Section 73874.1 of the ICF/DD-N regulations in strikeout/underline format are attached.

POLICY

It is the policy of L&C to apply the amended draft requirements regarding ICF/DD-N staff.

PROCEDURE

When licensing ICFs/DD-N, the attached amended and added regulations are to be used instead of requirements of Sections 73873(f) and 73874 existing in current draft regulations. Under the amended draft regulation, CNAs are no longer included as nonlicensed direct care staff in this program, but have been replaced by attendants or persons enrolled in an attendant training program.

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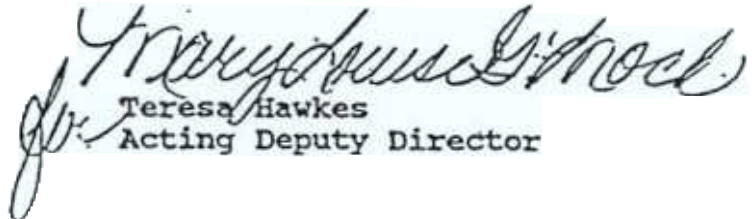
POLICY AND PROCEDURE MANUAL CHANGE/UPDATE

This memorandum will make changes/updates to the policy and procedure manual: ☐ Yes ☒ No

TRAINING

District Administrators must ensure that all appropriate office staff receive timely in-service regarding the provisions of this memo. The preceptors will maintain all in-service/training files in the District Office.

Should you have any questions, please contact Jerry Simkins, Chief, Community Based Programs Unit at (916) 327-4299 or ATSS 8/467-4299.


Teresa Hawkes
Acting Deputy Director

Attachments

Attachments

Existing Section 73873(f):

~~Nonlicensed-direct-care-staff-shall-be-certified-nurse-assistants pursuant-to-Section-1337-et-seq.-of-the-Health-and-Safety--Code or-persons-enrolled-in-a-precertification-program-approved-by-the Department-and--conducted-by-another-health-facility,-agency-or public-educational-institution.--Such-training-shall-commence within-three-(3)-months-of-employment-and-be-completed-no-later than-six-(6)-months-from-the-date-of-employment-~~

Amended Section 73873(f):

Direct-care staff, who are not licensed professionals, shall be attendants pursuant to Section 2728, Business and Professions Code, or persons enrolled in an attendant training program approved by the Department of Developmental Services. Such training shall commence within three (3) months of employment and be completed no later than six (6) months from the date of employment.

§ 73874. Program Services—Orientation and In-Service Education.

(a) A person who is, or is eligible to be, a qualified mental retardation professional, a registered nurse, licensed vocational nurse or licensed psychiatric technician shall be designated responsibility for coordinating staff development and education.

(b) All new staff shall be provided sixteen (16) hours of orientation by a qualified mental retardation professional, a registered nurse, licensed vocational nurse or licensed psychiatric technician. These hours shall be completed and be documented during the first forty (40) hours of employment.

(1) Prior to providing direct client care and during the first eight (8) hours of employment each direct-care staff member shall be provided with the following:

- (A) A tour of the facility.
- (B) A description of the client population.
- (C) The clients' daily schedule.
- (D) Instruction in the use and application of equipment and assistive devices.
- (E) Instruction in unusual occurrences and life saving procedures including, but not limited to, emergency procedures for relief of choking.
- (F) Orientation to fire and disaster plans.
- (G) An introduction to client care and special needs of developmentally disabled persons.

(2) The remaining eight (8) hours of orientation shall include, but not be limited to:

- (A) Administrative structure of the facility.
 - 1. Organization of staff.
 - 2. Services offered.
 - 3. The role of direct-care staff, including job descriptions, the team concept, attitudes and approaches to clients.
 - 4. Personnel policies.
- (B) The facility's philosophy of client care.
- (C) Overall concepts of the facility's program to meet the needs of the clients, including normalization and interdisciplinary professional staff/team concept.
- (D) Developmental growth and assessment.
- (E) Clients' activities of daily living.
- (F) Implementation of the individual service plan.
- (G) Client's rights.
- (H) Nursing policies and procedures.
- (I) Legal and ethical considerations of health care.
- (J) The role of federal and state regulations in the provision of care by employees.

(c) The facility shall require that all direct-care staff receive at least two (2) hours per month, twenty-four (24) hours annually, of planned in-service education which shall be documented and shall include, but not be limited to, the following topics:

- (1) Program techniques specific to the facility's clients.
- (2) Developing program objectives for clients.
- (3) Evaluation and assessment techniques.
- (4) Documentation of a client's response to his/her program including observation, reporting, and recording.
- (5) Special developmental needs of the facility's clients.
- (6) Sensory deprivation and stimulation.
- (7) Interpersonal relationship and communication skills between staff and clients.
- (8) Psychological aspects of developmental disabilities as related to the individual, family and community.
- (9) Confidentiality of client information.
- (10) Detection of signs of illness or dysfunction that warrant medical or nursing intervention.

- (11) Maintenance of healthy skin: prevention of skin breakdown, body positioning and range of motion.
- (12) Basic nursing and health related skills.
- (13) Bladder and bowel training and management.
- (14) Oral hygiene.
- (15) Nutritional needs of clients including special feeding techniques.
- (16) Behavior management.
- (17) Emergency intervention procedures for behavior control.
- (18) Prevention and control of infection.
- (19) Fire and accident prevention and safety.
- (20) Disaster preparedness.
- (21) Clients' rights as specified in Welfare and Institutions Code, Sections 4502 through 4507, and Title 17, California Code of Regulations, Sections 50500 through 50550.

(22) The role and involvement of the parent, guardian, conservator or authorized representative, in the overall client service plan.

(23) Instruction in first aid and cardiopulmonary resuscitation to be taught by an instructor certified by the American Red Cross or the American Heart Association.

(24) If any client has epilepsy, the causes and treatment of epilepsy, care during and following an epileptic seizure, safety precautions, and protective equipment.

- (25) Locating and using program reference materials.
- (26) The use and proper application of postural supports.
- (27) Caring for the dying client and understanding the grieving process.

(d) In addition to twenty-four (24) hours of in-service training the facility shall provide a ten (10) hour program in medication administration pursuant to Section 73877 (f), either through a college system or through the facility medication training program, taught by the facility registered nurse and/or consultant pharmacist.

(e) The medication training program shall include, but not be limited to, the following:

- (A) Use, action and side effects of drugs used in the facility.
- (B) General practices, procedures and techniques for administering oral, rectal, eye, ear, nose and topical medications.
- (C) Prescriber's verbal orders.
- (D) Automatic stop orders.
- (E) Medication storage and labeling.
- (F) Disposition of unused and outdated medications.
- (G) Requirements for documentation of the administration of medications and treatments.
- (H) Requirements for documentation and physician notification of medication errors.
- (I) Metric and apothecary dosages.
- (J) Commonly used abbreviations.
- (K) Locating and using reference materials.

(2) Successful completion of a college based or facility medication training program shall be documented in the employee's training record.

(3) Prior to unsupervised administration of medication by non-licensed direct-care staff, and annually thereafter, the facility registered nurse shall observe and certify the staff person's proficiency in handling, administering and recording of drugs given and shall document the proficiency in the staff person's training record.

(c) A Certified Nurse Assistant (CNA) may perform specific health maintenance procedures for clients, subject to the following:

(1) The health maintenance procedure shall be specifically ordered by the attending physician.

(2) The CNA shall be trained by the facility registered nurse (RN) to perform the procedures and shall demonstrate proficiency in performing the procedure while under the immediate supervision of the RN.

(3) A signed written statement shall be prepared by the RN which includes a certification of the CNA's competence to perform the procedure and which identifies for whom the procedure is applicable. This certification

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tion shall be placed and maintained in the CNA's training record and in the unit client record.

(4) The certification is procedure and client specific, and shall not be transferred between clients or facilities.

(5) The RN shall be responsible for ongoing monitoring and staff implementation of the procedure. At least annually, the RN shall observe and confirm the CNA's proficiency in performing the approved procedure and shall update the certification.

(6) Training protocols for each of the procedures CNAs may perform shall be reviewed and approved as part of the facility program plan pursuant to Section 4859(a)(14).

(f) Documentation of each planned in-service education session shall be maintained, including the name and title of the presenter, date of presentation, title of subject covered including description and content, duration of the program and the legible signatures of those in attendance.

NOTE: Authority cited: Sections 208(a) and 1275.3, Health and Safety Code. Reference: Sections 1275.3 and 1276, Health and Safety Code; and Sections 4502-4507, Welfare and Institutions Code.